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SUBJECT: COLOMBIAN SUPREME COURT RULING THREATENS LEGAL  
FRAMEWORK OF PARAMILITARY DEMOBILIZATION

11. Summary: On July 25, President Uribe announced the GOC would introduce a bill in Congress to reverse a July 11 Supreme Court (SC) decision that removes the legal basis for pardoning 18,000 demobilized paramilitaries for their membership in the United Self-defense Forces of Colombia (AUC) and related minor crimes, and undermines the legal framework of the paramilitary peace process. The bill would clarify the status of the affected paramilitaries, but would exclude paramilitary leaders who committed serious human rights crimes or legislators who cooperated with the AUC. The ruling has triggered sharp political debate, including verbal clashes between Uribe and members of the Supreme Court. Uribe is expected to introduce the bill in Congress as soon as August 8. End Summary.

12. A July 11 Supreme Court ruling stating that crimes of former paramilitary members were common crimes--not political crimes--threatens the legal framework of the paramilitary peace process and triggered fireworks between President Uribe and the Court. The SC's decision reflects the stance that the paramilitary was a criminal, not political group, and leaves 18,000 demobilized rank and file paramilitaries who have not yet been pardoned for their membership in the AUC and related minor crimes exposed to prosecution. The GOC argues sedition charges should apply to paramilitary members who have not committed serious crimes, thereby enabling the GOC to pardon them. The Court's ruling does not affect paramilitary leaders charged with serious human rights violations or politicians charged for colluding with paramilitaries. The ruling leaves open the question of whether it will be retroactively applied to the 12,000 paramilitaries who have already been pardoned through the peace process.

13. The Justice and Peace Law (Law 975), in conjunction with Law 782, set up the legal framework for the demobilization of the AUC, offering rank and file paramilitaries pardons for their membership in the AUC and for minor crimes while providing reduced sentences to paramilitaries guilty of serious human rights violations in exchange for full confessions and reparations. Under the Court's ruling, the National Prosecutor's Office (Fiscalia) would face prosecuting up to as many as 30,000 demobilized paramilitaries. The GOC argues this would encourage the demobilized to return to crime and would overwhelm the Fiscalia.

14. A meeting between Minister of Justice and Interior Holguin and SC magistrates on July 27 to discuss the issue

was called off after President Uribe accused the Court of having an "ideological slant" and threatening the peace process. Uribe said the peace process has been openly debated by all sectors of society and should not be overturned by one branch of government. The President announced he will send a bill to Congress making sedition applicable to all members of illegal armed groups who have not committed serious human rights abuses. He argued that guerrilla fighters and paramilitaries should be treated equally under the law and that all parties, including the various branches of government, must do their part to advance the peace process.

¶15. SC President Cesar Julio Valencia quickly denounced the President's "interference" in judicial matters and said the SC is not obstructing the peace process in any way. He called the President's statements about the Court and his proposed bill a "grave and dangerous" form of censorship. The president of the SC's Penal Court, Alfredo Gomez Quintero, said pardons are reserved explicitly for political crimes. The heart of the problem lies in the inherent weakness of the JPL. Paramilitary spokesman Antonio Lopez said the organization would protest the Supreme Court ruling by halting participation in confessions (version libres) of former paramilitaries in Bogota, Medellin and Barranquilla. The paramilitaries later resumed participation after Uribe's announcement that he would seek legislation reversing the Court's ruling.

¶16. An editorial in the Bogota daily El Tiempo on July 30 urged de-escalation of the confrontation on all sides, but supported Uribe's call for legislation to fix the problem. It said the SC's ruling was appropriate for legal norms, but did not reflect the current reality of a country at war. El

Tiempo further warned the ruling places the demobilization process at grave risk. The GOC has posted its proposed bill on the Presidential website, soliciting public comment, and is expected to formally present the bill to Congress on August 8.  
Drucker